



EUGENE R. LICKER
Partner

345 Park Avenue
New York, NY 10154

Direct 212.407.4157
Main 212.407.4000
Fax 646.219.7454
elicker@loeb.com

Via E-File

March 6, 2014

Honorable Richard J. Sullivan
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: U.S. Securities and Exchange Commission v. Amerindo et al. (1:05-cv-05231-RJS)

Dear Judge Sullivan:

We previously represented Amerindo Investment Advisors Inc. (the California corporation ("Amerindo")) in connection with this case, as well as the criminal case before your Honor captioned United States v. Vilar and Tanaka. When Amerindo ran out of funds, we were allowed leave to withdraw as counsel for Amerindo in this case. When, subsequent thereto, all parties in the criminal case sought information from former Amerindo employees, and the government called several of them as witnesses at trial, we continued to provide service rather than leave those individuals without counsel. Loeb & Loeb has made no claim in the receivership for compensation for that, or any other, uncompensated services.

We are aware that Messrs. Vilar and Tanaka, through counsel, have made claims that Loeb suffers from alleged conflicts of interest arising from its former representation of Amerindo and its current representation of claimants in the receivership. See Memorandum of Alberto Vilar and Gary Tanaka In Opposition to Receiver's Claim Numbers, Methodology, and Authority, at 2-3, n. 1. Based on our prior dealings with counsel for Messrs. Vilar and Tanaka, we recognize that this letter could set off further philippics from that counsel. We do take these claims seriously, however, particularly when made to your Honor, and so we respond briefly.

Alfred Heitkonig, an Amerindo investor, has known my partner, Paula Colbath, for a long time, dating back well before our engagement by Amerindo. Well after we ceased functioning for Amerindo, Mr. Heitkonig sought to have Ms. Colbath represent him in what is, at this stage, largely a ministerial act of submitting and monitoring his claim in the receivership. Our prior representation of Amerindo in connection with this action involved dealing with allegations of wrongdoing (largely drawing the distinction between the activities of our client and those involving its Panamanian namesake, which we did not represent) and in no way was substantially related to the matters involved in the Heitkonig engagement. We did carefully consider and vet the matter and concluded that there was no conflict. We so informed counsel for Messrs. Vilar and Tanaka.



Honorable Richard J. Sullivan
March 6, 2014
Page 2

Similarly, Mr. Sweetland has a longstanding relationship with a partner in Loeb's Los Angeles office and drew on that relationship to seek to engage Loeb in connection with the receivership. The conflicts analysis is the same as in the case of Mr. Heitkonig.

We hope that this adequately addresses the comments made on behalf of Messrs. Vilar and Tanaka in their recent submission. We are, of course, available at the Court's convenience should your Honor wish to discuss this further.

Very truly yours,

A handwritten signature in blue ink, appearing to read "E. Licker", with a stylized flourish extending to the right.

Eugene R. Licker